

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                                  |   |                                     |
|----------------------------------|---|-------------------------------------|
| DUSTYN JAMES GROGAN,             | ) |                                     |
|                                  | ) |                                     |
| Petitioner,                      | ) | Civil Action No. 15-1436            |
|                                  | ) |                                     |
| v.                               | ) | Judge Cathy Bissoon                 |
|                                  | ) | Magistrate Judge Robert C. Mitchell |
| ORLANDO HARPER, <i>et. al.</i> , | ) |                                     |
|                                  | ) |                                     |
| Respondents.                     | ) |                                     |

**MEMORANDUM ORDER**

This case was referred to United States Magistrate Judge Robert C. Mitchell for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On November 5, 2015, the Magistrate Judge issued a Report (Doc. 4) recommending that the petition for a writ of habeas corpus, and the certificate of appealability, be denied. Service of the Report and Recommendation was made, and no objections have been filed.<sup>1</sup>

After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

The Petition of Dustyn James Grogan for a writ of habeas corpus (**Doc. 3**) is **DISMISSED** and a certificate of appealability is **DENIED**. The Report and Recommendation of the Magistrate Judge, dated November 5, 2015, hereby is adopted as the Opinion of the District Court.

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<sup>1</sup> A copy of the R&R was mailed to Petitioner at Allegheny County Jail on 11/5/15, but it was returned to the Court with “Released” written on the envelope. On 11/10/2015, a search of the Court of Common Pleas docket sheet indicated that, as of 11/5/2015, Petitioner was in the Fayette County Prison, 12 Court Street, Uniontown, PA 15401 and a copy of the R&R was sent to him at that address on that same day.

IT IS SO ORDERED.

January 21, 2016

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All counsel of record

cc (via First-Class U.S. Mail):

**DUSTYN JAMES GROGAN**  
Fayette County Prison  
12 Court Street  
Uniontown, PA 15401